

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Drew Murphy	Team: Squad #10	CCRB Case #: 202308471	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/25/2023 5:06 PM, Wednesday, 01/25/2023 5:18 PM	Location of Incident: TD Bank; En Route to § 87(2)(b) Hospital	18 Mo. SOL 7/25/2024	Precinct: 84		
Date/Time CV Reported Thu, 09/07/2023 2:33 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 09/07/2023 2:33 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Kayla Carmona	08491	970442	084 PCT
2. SGT Julio Acuria	01077	933593	084 PCT
3. PO Adam Merino	16588	957852	084 PCT
4. PO Craig Schoelermann	19383	962787	084 PCT
5. PO John Gomez	07727	970551	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Chandanie Arjun	14869	954500	084 PCT
2. SGT Adnan Chatha	04353	955810	084 PCT
3. PO Brandon Almonte	24212	968929	084 PCT
4. PO Karlvirn Williams	04860	969429	084 PCT
5. PO Steven Merslich	27149	960939	084 DET
6. PO Joshua Destasio	22279	962357	084 PCT
7. PO Farzodhon Sayfiev	11322	974530	084 PCT
8. PO Yousif Said	15758	967681	MED DIV
9. PO Jorge Taveras	21168	972283	084 PCT
10. PO Keiry Genaoalmonite	22232	971954	084 PCT
11. PO Gustavo Jaramillo	01528	949137	084 PCT
12. PO Rabeel Ahmad	12961	956371	084 PCT
13. PO Justin Suarez	25191	971242	084 PCT
14. PO Conor McGouran	31638	972102	084 PCT
15. SGT Marjobert Singca	03117	937546	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A . SGT Julio Acuria	Abuse: In the vicinity of 211 Montague Street, Sergeant Julio Acuria forcibly removed § 87(2)(b) to the hospital.	
B . SGT Julio Acuria	Force: In the vicinity of 211 Montague Street, Sergeant Julio Acuria used physical force against § 87(2)(b)	
C . PO Craig Schoelermann	Force: In the vicinity of 211 Montague Street, Police Officer Craig Schoelermann used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D . PO Adam Merino	Force: In the vicinity of 211 Montague Street, Police Officer Adam Merino used physical force against § 87(2)(b)	
E . PO John Gomez	Force: In the vicinity of 211 Montague Street, Police Officer John Gomez used physical force against § 87(2)(b)	
F . SGT Julio Acuria	Abuse: In the vicinity of 211 Montague Street, Sergeant Julio Acuria searched § 87(2)(b)	
G . PO Kayla Carmona	Abuse: In the vicinity of 211 Montague Street, Police Officer Kayla Carmona searched § 87(2)(b)	
H . PO Kayla Carmona	Abuse: En route to § 87(2)(b) Hospital, Police Officer Kayla Carmona searched § 87(2)(b)	
I . PO Kayla Carmona	Off. Language: En route to § 87(2)(b) Hospital, Police Officer Kayla Carmona spoke offensively regarding § 87(2)(b) actual or perceived disability.	
J . PO Kayla Carmona	Discourtesy: En route to § 87(2)(b) Hospital, Police Officer Kayla Carmona spoke discourteously to § 87(2)(b)	
K . SGT Julio Acuria	Abuse: In the vicinity of 211 Montague Street, Sergeant Julio Acuria failed to provide § 87(2)(b) with a business card.	
L . PO Kayla Carmona	Abuse: En route to § 87(2)(b) Hospital, Police Officer Kayla Carmona failed to provide § 87(2)(b) with a business card.	

Case Summary

On September 7, 2023, § 87(2)(b) filed this complaint with the CCRB in person.

On January 25, 2023, at approximately 5:06pm, in the vicinity of the TD Bank located at 211 Montague Street in Brooklyn, § 87(2)(b) became upset with a bank teller, resulting in multiple people calling 911. Police Officer Kayla Carmona, Police Officer John Gomez § 87(2)(g), Police Officer Chandanie Arjun, Sergeant Julio Acuria, Sergeant Adnan Chatha, Police Officer Brandon Almonte, Police Officer Karlvirn Williams, Police Officer Joshua Destasio, Police Officer Farzodhon Sayfiev, Police Officer Adam Merino, Police Officer Craig Schoelermann, Police Officer Jorge Taveras, Police Officer Keiry Genaoalmonite, Police Officer Gustavo Jaramillo, Police Officer Rabeel Ahmad, Police Officer Justin Suarez, Police Officer Conor McGouran, Sergeant Marjobert Singca, all of the 84th Precinct, as well as Police Officer Steven Merslich, of the 84th Precinct Detective Squad, and Police Officer Yousif Said, of the Medical Division, all reported to the scene. Sgt. Acuria grabbed § 87(2)(b) arm and instructed his fellow officers to handcuff § 87(2)(b) and place her in an ambulance (**Allegation A: Abuse of Authority—Forcible Removal to the hospital**, § 87(2)(g)). Sgt. Acuria, PO Schoelermann, PO Merino, and PO Gomez held § 87(2)(b) arms and placed her into handcuffs (**Allegations B, C, and D: Force—Physical Force**, § 87(2)(g)) and (**Allegation E: Force—Physical Force**, § 87(2)(g)). Following the handcuffing Sgt. Acuria instructed his officers to “give her § 87(2)(b) a toss” (**Allegation F: Abuse of Authority—Search (of person)**, § 87(2)(g)). A few minutes later, as they awaited the arrival of the ambulance, PO Carmona searched § 87(2)(b) backpack (**Allegation G: Abuse of Authority—Search (of person)**, § 87(2)(g)).

On January 25, 2023, at approximately 5:18pm, en route to § 87(2)(b) Hospital, PO Carmona opened § 87(2)(b) backpack to retrieve her cell phone (**Allegation H: Abuse of Authority—Search (of person)**, § 87(2)(g)). PO Carmona told § 87(2)(b) that she was acting “pretty crazy,” earlier that evening (**Allegation I: Offensive Language—Disability**, § 87(2)(g)) and (**Allegation J: Discourtesy—Word**, § 87(2)(g)).

Neither Sgt. Acuria, nor PO Carmona, gave § 87(2)(b) business cards (**Allegations K and L: Abuse of Authority—Failure to Provide RTKA Card**, § 87(2)(g)).

The investigation obtained body-worn camera footage from PO Carmona, PO Gomez, PO Arjun, PO Almonte, Sgt. Acuria, Sgt. Chatha, PO Williams, PO Merslich, PO Destasio, PO Sayfiev, PO Merino, PO Schoelermann, PO Said, PO Taveras, PO Genaoalmonite, PO Jaramillo, PO Ahmad, PO Suarez, PO McGouran, and Sgt. Singca, the relevant portions of which will be discussed below (**BR 03-42**).

This incident did not result in any arrests or summonses.

Findings and Recommendations

Allegation (A) Abuse of Authority: In the vicinity of 211 Montague Street, Sergeant Julio Acuria forcibly removed § 87(2)(b) to the hospital.

Allegation (B) Force: In the vicinity of 211 Montague Street, Sergeant Julio Acuria used physical force against § 87(2)(b)

Allegation (C) Force: In the vicinity of 211 Montague Street, Police Officer Craig Schoelermann used physical force against § 87(2)(b)

Allegation (D) Force: In the vicinity of 211 Montague Street, Police Officer Adam Merino used physical force against § 87(2)(b)

Allegation (E) Force: In the vicinity of 211 Montague Street, Police Officer John Gomez used physical force against § 87(2)(b)

§ 87(2)(b) stated (**BR 43**) that the bank teller at TD Bank unnecessarily delayed the process of opening her a safety deposit box. § 87(2)(b) got upset at the delay but did not yell. § 87(2)(b) could not recall how the bank teller responded, but a security guard threatened to beat up § 87(2)(b). After approximately 10 to 15 minutes, more than four police officers arrived at the

bank and approached § 87(2)(b). None of the police officers said anything except, “Let’s go.” Sgt. Acuria grabbed § 87(2)(b) arms and pulled them behind her back. § 87(2)(b) moved her arms from side to side. Sgt. Acuria placed § 87(2)(b) into handcuffs. No other police officer made physical contact with her. PO Carmona accompanied § 87(2)(b) in the ambulance as she was transported to § 87(2)(b) Hospital.

Sgt. Acuria stated (BR 44) that he responded to a reported bank robbery at a TD Bank. When he arrived, § 87(2)(b) was sitting on the ground near the bank teller’s desk screaming, with her hands balled into fists, and flailing her arms downward in an erratic manner. § 87(2)(b) had a bag on the ground to her side. Sgt. Acuria did not recall anything § 87(2)(b) yelled, but felt that § 87(2)(b) appeared to be in major distress. PO Carmona asked § 87(2)(b) for her ID and § 87(2)(b) reached over for her bag. Sgt. Acuria was concerned with § 87(2)(b) reaching for her bag as he did not know what was in her bag and because she could have used the bag a weapon. He was also concerned because he did not know what she had done to precipitate the robbery report to 911. Sgt. Acuria grabbed § 87(2)(b) hands and told other officers to handcuff her and place her onto the ambulance. § 87(2)(b) did not resist as he and other police officers handcuffed her. Sgt. Acuria (BR 52) stated that § 87(2)(b) erratic behavior as described above made him concerned that § 87(2)(b) could become a danger to herself or others, should things have continued to escalate.

PO Carmona provided a statement that was generally consistent with that of Sgt. Acuria, with a couple of notable exceptions (BR 45). Within approximately one minute of PO Carmona being on scene, Sgt. Acuria made the decision to place § 87(2)(b) in handcuffs. PO Carmona did not believe that she participated in the handcuffing.

Sgt. Acuria’s BWC shows (BR 09-10) at the 2:15 timestamp, § 87(2)(b) kneels in front of the bank teller’s desk screaming and crying. PO Carmona asks § 87(2)(b) to relax and asks if she has identification on her. PO Carmona says, “It’s in here? Let me get the bag” and leans over § 87(2)(b) out of frame of the BWC. As PO Carmona grabs the bag and pulls upward, § 87(2)(b) stands up with one hand on her bag, saying, “It’s not your business.” At the 2:47 timestamp, Sgt. Acuria holds onto § 87(2)(b) right upper arm and says, “Alright. Cuffs. Just put her in cuffs.” Sgt. Acuria holds § 87(2)(b) left arm at the elbow, PO Schoelermann holds her right upper arm, and PO Merlin holds her right forearm, as PO Gomez affixes handcuffs to § 87(2)(b) wrists. § 87(2)(b) does not appear to resist the handcuffing. PO Schoelermann (BR 21-22), PO Merino (BR 23-24), and PO Gomez’s BWC (BR 15-16) are all generally consistent with Sgt. Acuria’s BWC.

PO Carmona’s BWC (BR 13-14) shows at the 2:59 timestamp, § 87(2)(b) hands PO Carmona her passport out of her open bag. PO Carmona pulls the bag upward. § 87(2)(b) tries to pull the bag away from PO Carmona, then stands up. PO Carmona’s BWC does not capture the handcuffing as comprehensively as Sgt. Acuria’s BWC footage.

According to the Event Chronology for § 87(2)(b) (BR 56), the job was started as a bank robbery in progress. Two 911 callers are noted in the chronology. A male caller states that a female is trying to attack security at the bank. A female caller, who identifies herself as a bank teller, states that a female is saying she is going to rob the bank and that she pushed a security guard. The job was finished with the patient removed to the hospital.

PO Carmona prepared AIDED report # § 87(2)(b) (BR 57), which notes that § 87(2)(b) was removed to § 87(2)(b) Hospital as an Emotionally Disturbed person who verbally threatened others and was unable to care for herself.

According to § 87(2)(b) medical records provided by § 87(2)(b) Hospital (BR 58), when she was brought into the hospital, she was uncooperative with the search process and agitated as well. She was then sedated.

According to the FDNY Pre-Hospital Care Report (BR 59), § 87(2)(b) stated to EMS that people and police at the supermarket, at home, and at the bank were listening to her and have planted devices to listen to her. She spoke erratically and was uncooperative.

Sgt. Acuria and PO Carmona’s memo book entries (BR 62-63) note that Sgt. Acuria and PO Carmona arrived at 211 Montague Street in response to Job# § 87(2)(b). Sgt. Acuria finalized

the job as 98 (resuming patrol), while PO Carmona finalized the job as 93-Q (Other arrest) and 97-H (patient removed to hospital).

§ 87(2)(g)

According to Patrol Guide procedure 221-13 (**BR 61**), an emotionally disturbed person is “a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.” When working with an EDP, police officers are to “attempt to slow the pace of the incident and establish a dialogue with the EDP while awaiting arrival of specialized personnel.”

According to Patrol Guide procedure 216-01 (**BR 60**), an AIDED case is “any occurrence coming to the attention of a uniformed member of the service which requires that a person, other than a prisoner, receive medical aid or assistance because such a person is: mentally ill.” Upon arrival a uniformed member of service is to “request an ambulance or doctor, if necessary.”

Patrol Guide procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody. In determining whether the use of force is reasonable, members of the service should consider the following: 1) The nature and severity of the crime/circumstances. 2) Actions taken by the subject. 3) Duration of the action. 4) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders. 5) Whether the subject is actively resisting custody. 6) Whether the subject is attempting to evade arrest by flight. 7) Number of subjects in comparison to the number of MOS. 8) Size, age, and condition of the subject in comparison to the MOS. 9) Subject’s violent history, if known. 10) Presence of hostile crowd or agitators. 11) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence (**BR 51**).

Sgt. Acuria responded to a report of a bank robbery to find § 87(2)(b) fallen to the floor, flailing her arms, and screaming erratically. Although Sgt. Acuria did not observe § 87(2)(b) say or do anything that led him to believe that § 87(2)(b) was an immediate danger to herself or others, he felt that should the situation escalate, she could become a danger. § 87(2)(g)

Although § 87(2)(b) stated that when Sgt. Acuria pulled her arms behind her back, she moved her arms side-to-side, consistent, and comprehensive BWC footage, as well as Sgt. Acuria’s statement, maintain that once Sgt. Acuria made the decision to handcuff § 87(2)(b) she did not physically resist. § 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: In the vicinity of 211 Montague Street, Sergeant Julio Acuria searched § 87(2)(b)

Allegation (G) Abuse of Authority: In the vicinity of 211 Montague Street, Police Officer Kayla Carmona searched § 87(2)(b)

Allegations F and G derive from BWC.

PO Carmona’s BWC (**BR 13-14**) shows that at the 3:05 timestamp, PO Carmona takes § 87(2)(b) backpack from her, saying she wants to make sure § 87(2)(b) does not have anything inside of it. Immediately following this, Sgt. Acuria grabs § 87(2)(b) right arm and tells the

surrounding officers to handcuff § 87(2)(b). At the 4:44 timestamp, PO Carmona, still in possession of § 87(2)(b) bag, places items that she and PO Arjun have taken from § 87(2)(b) coat pockets, and places them in the bag.

Sgt. Acuria's BWC (BR 09-10) shows at the 3:00 timestamp, after § 87(2)(b) is handcuffed, Sgt. Acuria tells the police officers surrounding him, "Give her a toss and then load her on the bus."

PO Arjun's BWC (BR 03-04) shows at the 3:00 timestamp, following Sgt. Acuria's directive to give § 87(2)(b) "a toss," she approaches § 87(2)(b) and places her hands in § 87(2)(b) coat pockets, removing a pair of glasses and a handkerchief. PO Arjun unzips § 87(2)(b) coat and searches underneath her coat. PO Carmona places her hand in § 87(2)(b) left coat pocket and removes tissue paper. PO Carmona's BWC (BR 13-14) also consistently captures PO Arjun search § 87(2)(b) person. PO Carmona's BWC does not capture her reach into § 87(2)(b) pocket.

PO Taveras' BWC (BR 17-18) shows at the 5:43 timestamp, while police officers wait with § 87(2)(b) for an ambulance to arrive to the scene, PO Carmona unzips § 87(2)(b) bag and places § 87(2)(b) passport back in the bag and appears to search the bag briefly before zipping it closed again.

Sgt. Acuria and PO Carmona both consistently stated (BR 44-45) that the only reason Sgt. Acuria told his fellow officers to frisk and search § 87(2)(b) and the only reason PO Carmona searched § 87(2)(b) bag, was because it was their understanding that when one was handcuffed to be removed to the hospital as an EDP, it was compulsory for police officers to search their person and their bags for any weapons, or anything that could be used as a weapon. This was for the safety of § 87(2)(b) the police officers, and the EMTs transporting § 87(2)(b) to the hospital. Sgt. Acuria added (BR 44) that there was nothing particular to § 87(2)(b) behavior that made him decide to have police officers search her, it was a search obligated by the Patrol Guide. He was concerned that § 87(2)(b) might have used her bag as a weapon, which he had seen civilians do in his past work as a police officer, but he did not articulate any suspicion that § 87(2)(b) had a weapon on her person at the time of the incident.

According to the Event Chronology for § 87(2)(b) (BR 56), the job was started as a 10-30B (Bank Robbery in Progress). Two 911 callers are noted in the chronology. A male caller states that a female is trying to attack security at the bank. A female caller, who identifies herself as a bank teller, states that a female is saying she is going to rob the bank and that she pushed a security guard. The job was finished as a 97H (patient removed to the hospital).

According to Patrol Guide procedure 221-13 (BR 61), when an EDP has been restrained, officers are to "remove property that is dangerous to life or will facilitate escape," prior to having the individual removed to the hospital.

According to People v. Wylie, 244 A.D.2d 247 (BR 66), once the police obtain exclusive control over an arrestee's property and there is no longer the possibility of gaining access to the property to seize a weapon or destroy evidence, the search is no longer incident to the arrest.... In determining whether exigent circumstances exist to justify a warrantless search incident to a lawful arrest, the governing standard is whether the property has been reduced to the exclusive control of the police.

According to People v. De Bour, 40 N.Y.2d 210 (BR 65), an officer can search an individual if the officer has probable cause to believe that the individual has committed a crime.

While Sgt. Acuria and PO Carmona were accurate in suggesting that officers were obligated to remove all property dangerous to life or useful in facilitating escape, neither of them were able to articulate anything with regards to § 87(2)(b) statements or actions that lead them to develop a reasonable suspicion that she had a weapon or anything else dangerous in her possession, with the exception of her backpack, which consistent and comprehensive BWC shows was removed from § 87(2)(b) person and in PO Carmona's control, prior to § 87(2)(b) being handcuffed and subsequently searched. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) PO Carmona remained in exclusive control over § 87(2)(b) bag, negating any possibility that she could have accessed it to injure herself or others, or use anything within the bag as a means of facilitating escape. § 87(2)(g)

Allegation (H) Abuse of Authority: En route to § 87(2)(b) Hospital, Police Officer Kayla Carmona searched § 87(2)(b)

Allegation H derives from BWC.

PO Carmona's BWC (BR 13-14) shows at the 22:40 timestamp, § 87(2)(b) asks PO Carmona to please call her sister to update her about what has happened. PO Carmona grabs § 87(2)(b) phone, which sits to her left on the ambulance bench, and calls § 87(2)(b) sister for her. At the 25:00 timestamp, after the call concludes, PO Carmona places the phone back in § 87(2)(b) bag and zips it shut. At the 28:15 timestamp, § 87(2)(b) phone rings. PO Carmona asks, "Is that your phone?" § 87(2)(b) answers affirmatively. PO Carmona opens § 87(2)(b) bag, answers the phone, and puts it on speaker.

PO Carmona stated (BR 45) that § 87(2)(b) phone rang twice while they traveled to the hospital. The first time the phone rang, PO Carmona removed the phone from § 87(2)(b) bag and answered the call on behalf of § 87(2)(b). PO Carmona entered the bag and took out the phone, because she figured that § 87(2)(b) had people in her life who were worried about her, and she wanted these people to know that § 87(2)(b) was safe, in police custody, and headed to § 87(2)(b) Hospital. She did not search the bag any further and only entered the bag to remove the phone. After reviewing the BWC footage described above, PO Carmona stated that § 87(2)(b) never gave her permission to enter her bag.

According to *People v. De Bour*, 40 N.Y.2d 210 (BR 65), an officer can search an individual if the officer has probable cause to believe that the individual has committed a crime.

In *People v. Gonzalez*, 39 N.Y.2d 122 (BR 67), the court ruled that "Consent to search, a relinquishment of constitutional protection under both the federal and state constitutions against unjustified official intrusion, must be a free and unconstrained choice. Official coercion, even if deviously subtle, nullifies apparent consent. Whether consent has been voluntarily given or is only a yielding to overbearing official pressure must be determined from the circumstances. Where there is coercion there cannot be consent."

§ 87(2)(g) PO Carmona never asked § 87(2)(b) for permission to enter her bag. § 87(2)(g)

Allegation (I) Offensive Language: En route to § 87(2)(b) Hospital, Police Officer Kayla Carmona spoke offensively regarding § 87(2)(b) actual or perceived disability.

Allegation (J) Discourtesy: En route to § 87(2)(b) Hospital, Police Officer Kayla Carmona spoke discourteously to § 87(2)(b)

Allegations I and J derive from BWC footage.

PO Carmona's BWC (BR 13-14) shows at the 39:25 timestamp, § 87(2)(b) asks PO Carmona if she could place her handcuffs on the front of her body rather than the back. PO Carmona tells § 87(2)(b) that they will be at the hospital soon and then adds, "I don't know, you were acting pretty crazy in there."

PO Carmona stated (BR 45) that § 87(2)(b) was confused about what was going on and why she was being transported to the hospital, and PO Carmona told her that she was being transported to the hospital because she was acting "crazy," as way to convey to § 87(2)(b) that she acted erratically, incoherently, and out of the norm. PO Carmona did not mean to demean § 87(2)(b)

§ 87(2)(c) with the use of the word, “crazy.” PO Carmona could not say why she chose to use the word “crazy,” as opposed to any other descriptors to convey how § 87(2)(b) behaved at the bank.

Patrol Guide procedure 200-02 (BR 47) states that the NYPD is committed to treating citizens with compassion, courtesy, professionalism, and respect. Officers are expected to render services with courtesy and civility.

Administrative Guide 304-06 (BR 48) states that officers must not use discourteous or disrespectful remarks regarding another person’s disability.

Per Administrative Guide Procedure 304-11 (BR 49), officers must interact with members of the public in a professional manner.

Per DCT Case Number 2015-15012 (BR 46), discourteous language may be permissible when an officer is speaking in the context of a dynamic situation over which he is still attempting to gain control. However, discourteous statements are prohibited when they serve no legitimate purpose but to belittle the civilian.

It is undisputed that while § 87(2)(b) was handcuffed and seat-belted in the back of the ambulance PO Carmona told her she was acting “pretty crazy” earlier. Although PO Carmona stated that she only meant to illustrate to § 87(2)(b) the reason why she was in an ambulance on her way to § 87(2)(b) Hospital, police officers are expected to maintain a higher standard of integrity than is generally expected of others and are prohibited from making disrespectful remarks regarding one’s disability, whether actual or perceived. § 87(2)(g)

Allegation (K) Abuse of Authority: In the vicinity of 211 Montague Street, Sergeant Julio Acuria failed to provide § 87(2)(b) with a business card.

Allegation (L) Abuse of Authority: In the vicinity of 211 Montague Street, Police Officer Kayla Carmona failed to provide § 87(2)(b) with a business card.

Throughout the duration of Sgt. Acuria’s BWC footage (BR 09-10), he never appears to provide § 87(2)(b) with a business card.

Throughout the duration of PO Carmona’s BWC footage (BR 13-14), she never appears to provide § 87(2)(b) with a business card.

Sgt. Acuria stated (BR 52) that he never provided § 87(2)(b) with a business card because she never requested one from him. Although Sgt. Acuria acknowledged that he instructed his fellow officers to search § 87(2)(b) this search was an obligatory search for weapons ahead of her transportation to the hospital, and therefore, it was not required of him to provide her with a business card.

PO Carmona stated (BR 53) that she never provided § 87(2)(b) with a business card because § 87(2)(b) never requested one of her. PO Carmona did not know whether it was required of her to provide a business card to § 87(2)(b) following her search of § 87(2)(b).

Per Patrol Guide procedure 203-09 (BR 55) and New York City Administrative Code 14-174 (BR 54), members of service are to offer a business card at the conclusion of certain law enforcement activities, including frisks and searches of persons which do not result in an arrest or summons.

It is undisputed that Sgt. Acuria commanded officers to search § 87(2)(b) and PO Carmona additionally searched § 87(2)(b) bag. It is also undisputed that neither Sgt. Acuria nor PO Carmona provided her with business cards following the searches § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 02).
- PO Carmona has been a member-of-service for three years and this is the first CCRB complaint to which she has been a subject.

- Sgt. Acuria has been a member of service for 20 years and has been a subject in six CCRB complaints and ten allegations, of which one was substantiated:
 - **201610558** involved a substantiated allegation of refusal to process civilian complaint against Sgt. Acuria. The Board recommended command discipline- A and the NYPD imposed command discipline- A. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of February 14, 2024, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**BR 50**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 10

Investigator:	<u>Drew Murphy</u>	<u>Inv. Drew Murphy</u>	<u>03/06/2024</u>
	Signature	Print Title & Name	Date

Squad Leader: Maura R. Roche IM Maura R. Roche 03/07/2024
Signature Print Title & Name Date

Reviewer: _____

_____ Signature	_____ Print Title & Name	_____ Date
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